

ARTICLE 2

MISCELLANEOUS BUSINESSES

Section	Subject Matter
6-2.00	PALMISTRY OR FORTUNE TELLING PROHIBITED
6-2.01	HAND CART SALES. PROHIBITED

TOPLESS - BOTTOMLESS REGULATIONS

(Repealed by Ord. No. 78-034 C.S., adopted October 10, 1978.)

PUBLIC DANCES 6-2.10 – 6-2.17

(Repealed by Ord. No. 13-15, adopted October 19, 2013.)

SECTION 6-2.10 CABARETS AND DANCES

6-2.10	TITLE
6-2.11	DEFINITIONS
6-2.12	CABARET LICENSE REQUIRED
6-2.13	EXCEPTION TO LICENSE OR PERMIT REQUIREMENTS FOR CERTAIN PUBLIC DANCES
6-2.14	APPLICATION FOR A LICENSE
6-2.15	LICENSE APPLICATION FEE
6-2.16	LICENSE APPLICATION, ACCEPTANCE, REFERRAL, INVESTIGATION AND REPORT
6-2.17	LICENSE ISSUANCE
6-2.18	SUSPENSION AND REVOCATION OF LICENSE
6-2.19	PROCEDURES FOR THE SUSPENSION AND REVOCATION OF CABARET AND DANCE LICENSES
6-2.20	EXPIRATION OF LICENSES
6-2.21	RENEWAL PROCEDURES AND FEES FOR LICENSES
6-2.22	LICENSES NON –ASSIGNABLE

6-2.23	COMMENCEMENT OF OPERATIONS
6-2.24	OBLIGATION TO INFORM OF CERTAIN CHANGES CONCERNING LICENSEES
6-2.25	RECORD AND VIDEO SYSTEMS
6-2.26	PERMITS FOR SINGLE CABARET OR PUBLIC DANCE EVENTS
6-2.27	OPERATING REGULATIONS FOR ALL CABARETS AND DANCES
6-2.28	LICENSEE/PERMITTEE RESPONSIBLE FOR VIOLATIONS
6-2.29	VIOLATION OF STATE AND CITY LAWS
6-2.30	PATRON SAFETY AND SECURITY
6-2.31	POSTING OPERATING REGULATIONS
6-2.32	INSPECTION FOR ENFORCEMENT; SUMMARY SUSPENSION
6-2.33	POWERS OF CHIEF OF POLICE AND OFFICERS
6-2.34	INJUNCTIVE RELIEF; ADMINISTRATIVE CITATION
6-2.35	VIOLATIONS; PENALTIES

ARTICLE 2

MISCELLANEOUS BUSINESSES

SEC. 6-2.00 PALMISTRY OR FORTUNE TELLING. PROHIBITED. It shall be unlawful for any person to exhibit or conduct in the City of Hayward, the business, art or practice of palmistry, fortune telling by any method, phrenology, or character reading by any method, or to sell or distribute books, pamphlets, or any article or thing granting or giving a palmistry reading, phrenology reading, or telling of fortunes or fortune telling.

SEC. 6-2.01 HAND CART SALES. PROHIBITED. It shall be unlawful for any person to hawk, peddle, vend or sell any article, merchandise, edible foods of any kind, or any other thing of value from a hand cart or other vehicle moved by human power along or upon the streets of the City of Hayward.

TOPLESS - BOTTOMLESS REGULATIONS

(Repealed by Ordinance No. 78-034 C.S., adopted October 10, 1978.)

CABARETS AND DANCES

SEC. 6-2.10 TITLE. These provisions, relating to cabaret and dances as those terms are hereinafter defined, may be referred to as the “Cabarets and Dances Regulations.”

SEC. 6-2.11 DEFINITIONS. For the purposes of these regulations, unless otherwise apparent from the context, certain words and phrases are defined as follows:

- a. “Applicant” shall mean a living person, corporation, partnership or other business entity that applies for a license to establish, operate, manage or maintain a cabaret or public dance or applies for a permit for a specific, one-time cabaret or public dance event.
- b. “Application” shall mean the form submitted by the owner or operator that, when completed by the applicant, contains information requested by the City of Hayward upon which the Chief of Police or designee may base his or her approval or denial of such application.
- c. “Cabaret” shall mean any establishment, event, or place where live entertainment is provided by or for any patron or guest, including but not limited to: singing, playing music, dancing, performing karaoke, acting, holding a fashion show, performing pantomime, performing comedy or other act or performance and to which admission:
 - (1) may be gained by the public generally with or without the payment of a fee or cover charge or the purchase or presentation of a ticket or token; or

(2) may be gained by a person without invitation or by anyone who cannot be identified at the time of the issuance of the invitation by the sender.

- d. “Day” shall mean a working day during which the City’s administrative departments are open and available to the general public.
- e. “Employee” shall mean any person employed by a licensee or permittee, with or without compensation, in a cabaret.
- f. “License” shall mean an annual license granted by the Chief of Police to an applicant to operate a cabaret in the City of Hayward.
- g. “Licensee” shall mean any person who holds a current, valid license, issued by the City of Hayward to operate an on-going cabaret.
- h. “Owner” shall mean any person, persons, corporation, partnership or any other business entity, or any combination of these, who has any interest, legal or equitable, in any cabaret or any one-time cabaret or public dance permit, excepting a bona fide lending institution licensed by the State of California or the federal government.
- i. “Permit” shall mean a permit granted by the Chief of Police to an applicant to hold a specific, one-time cabaret or public dance event in the City of Hayward.
- j. “Person” shall mean and include any individual, firm, association, partnership, joint venture or corporation (whether for-profit or nonprofit), or other business entity.
- k. “Premises” shall mean any structure or portion of a structure to be licensed or permitted, or for which a license or permit has been granted in accordance with the provisions of the Cabarets and Dances Regulations.
- l. “Public Dance” shall mean any event where guests, patrons or persons attending the event are permitted to dance, not including a licensed cabaret, and to which admission:
 - (1) may be gained by the public generally with or without the payment of a fee or cover charge or the purchase or presentation of a ticket or token; or
 - (2) may be gained by a person without invitation or by anyone who cannot be identified at the time of issuance of the invitation by the sender.
- m. “Revenue Division” shall mean the Revenue Division of the Finance Department for the City of Hayward.

SEC. 6-2.12 CABARET LICENSE REQUIRED. No person shall establish, maintain, manage or operate any cabaret or allow any cabaret to be established, maintained, managed or operated within any building or structure, or any portion of a building or structure, owned, occupied or controlled by him/her, unless such cabaret is maintained and operated pursuant to a valid, unexpired, unsuspended and unrevoked cabaret license issued pursuant to the provisions of the Cabarets and Dances Regulations. The holder of any such license or his/her designated representative, which representative must have been disclosed in writing to the Chief of Police, shall be required to exercise personal control and direction over the operation of the cabaret and shall be available at reasonable times, during regular operating hours, to the Chief of Police or designee. The requirement for a cabaret license is in addition to any other license or permit required by the Hayward Municipal Code, including but not limited to a business license pursuant to Article 1 of Chapter 8 or any use permit or variance pursuant to Article 1 of Chapter 10.

SEC. 6-2.13 EXCEPTION TO LICENSE OR PERMIT REQUIREMENTS FOR CERTAIN PUBLIC DANCES. No cabaret permit or license shall be required for dances held by public recreational or educational agencies, or bona fide patriotic, religious, or fraternal associations or organizations, or for dances held in connection with patriotic, holiday, or school celebrations or festivals, where such dances are casual or for one such occasion only, and are not conducted more often than once a month.

SEC. 6-2.14 APPLICATION FOR A LICENSE. An application for a cabaret license shall be completed by the applicant and filed with the Police Department upon such form as may be furnished by that department. The Police Department shall forward copies of the application to the Director of the Finance Department and the Planning Manager of the Development Services Department. The application shall set forth and include the following:

- a. The location of the cabaret for which the license is required, including a specific description of the place, building, structure or portion of the building, structure or place, where the cabaret is to be situated. If the entire building, structure or place is proposed to be used as a cabaret, the application shall so state and shall request a license for the entire building, structure or place. If only a portion of the building, structure or place is proposed to be used as a cabaret, the applicant shall so state, shall describe such portion and shall request a license for only such portion. No license shall be deemed issued for any portion of any building, structure or place which the application fails to state is to be used for cabaret purposes or for which the application fails to specifically request a license.
- b. The true and complete name and address of each owner or owners of the building, structure or place within which the cabaret is proposed to be maintained.
- c. The true and complete name and address of the person or persons to whom it is requested that a cabaret license be issued as follows:
 - (1) If the proposed licensee is an individual, the application shall set forth the name, residence and business address of the individual;

- (2) If the proposed licensee is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its home address and also its local address, as well as the names and addresses of the board of directors, the names and addresses of all of the corporate officers, and the name and addresses of each shareholder for a non-publicly traded corporation;
 - (3) If the proposed licensee is a partnership, the application shall set forth the full names of all partners and the firm name under which the partnership operates, together with the addresses of all partners.
- d. A set of clearly identifiable fingerprints and photographs of each person to whom a license is to be granted; or in the case of a partnership, fingerprints and photograph of the managing partner; or in the case of a corporation, fingerprints and photograph of the president or chief executive officer. The fingerprints and photographs shall be in the form and manner and by an agency approved by the Chief of Police. Each person shall have paid to the Police Department the current fee set by the City of Hayward's Master Fee Schedule for receiving and processing fingerprints so taken.
- e. A statement as to whether or not any of the persons required to be named in the application have at any time been convicted of any crime or crimes and if so, the nature of the crime for which they were convicted, the date and jurisdiction of the conviction.
- f. A statement describing any previous permit or license, including conditional use permit, obtained by the applicant for the sale of alcohol or any entertainment or dancing activities with a statement as to whether any permit or license previously granted to the applicant has been denied, revoked or suspended, and also, the type of permit or license which was denied, suspended or revoked, the time of denial, revocation or suspension, the jurisdiction denying, suspending or revoking the permit or license and the reasons for such action;
- g. A statement that the applicant understands and agrees that the cabaret established or maintained under any license issued pursuant to the application filed shall be established, operated, managed and maintained in full conformity with all the laws of the State of California and the applicable laws and regulations of the City of Hayward, and that any violation of any such laws in or in connection with the cabaret shall render any license subject to immediate suspension or revocation and the ongoing operation of the cabaret a nuisance;
- h. A full and complete financial statement of the applicant (the individual, partnership, corporation or other business entity);

- i. A statement that the applicant understands and agrees that City representatives, including the Chief of Police or designee, shall have access to the proposed cabaret premises and to the business records of the applicant for the purpose of investigating compliance with the provisions of these regulations and all other applicable state and federal laws and regulations, and the applicant consents to any such search and consequential seizure;
- j. A statement that the applicant understands and consents for itself and any individuals named in the application and thereby authorizes the Hayward Police Department to conduct background investigations and obtain criminal history information for each individual named in the application and further to include in any report to the City Manager and City Council any information, including but not limited to any criminal convictions, that the Chief of Police considers relevant and necessary concerning any person named in the application;
- k. A detailed description of the proposed activities to be conducted including whether an admission fee or cover charge will be charged or whether tickets will be issued and the identity of all on-site managers;
- l. A description of security measures the applicant has or will take or cause to be taken, including security personnel staffing, training and provision of security in and around off-street parking areas and whether security personnel will be armed. If the cabaret serves alcoholic beverages, such security measures shall be consistent with the provisions contained herein;
- m. A statement regarding the days and hours of operation to which the licensee will adhere;
- n. The building and floor plan of the premises, which shall have no hidden rooms or screens and which once the license is issued shall not be modified without the prior written approval of the City;
- o. A statement regarding whether alcohol will be served and whether the applicant has or will be applying for a license from the Department of Alcoholic Beverage Control;
- p. Such other information that the applicant or the City may consider pertinent; and
- q. The contents of the application shall be certified under penalty of perjury as follows:
 - (1) By the proposed licensee if an individual;
 - (2) By a general partner if the proposed licensee is a partnership; or

- (3) By the president of the corporation if the proposed licensee is a corporation;
- (4) By the controlling owner/manager/executive of any other business entity.

SEC. 6-2.15 LICENSE APPLICATION FEE. A nonrefundable application fee, the amount of which is set in the City of Hayward's Master Fee Schedule, shall accompany the application and shall be retained by the City for the cost of investigating and processing of the application, whether or not the application is approved. The application fee shall be paid to the Revenue Department before the application is submitted to the Police Department.

SEC. 6-2.16 LICENSE APPLICATION, ACCEPTANCE, REFERRAL, INVESTIGATION AND REPORT.

- a. Upon receipt of an application for a cabaret license, the Police Department shall examine it, and if it is determined that it fails to comply with the requirements of these regulations or does not contain all the information required by these regulations, the application shall be returned to the applicant for proper completion of the application, together with a statement indicating the deficiencies. If the application does comply, the Police Department shall refer copies to other City offices as needed, including the Planning Division of the Development Services Department.
- b. The Chief of Police shall investigate or cause to be investigated, the contents of the application. The Chief of Police, or designee, is hereby authorized to conduct background investigations and obtain criminal history information for each person required to be named in the application for determining whether any such person should be disqualified for any of the following reasons:
 - (1) Applicant has been convicted of any crime punishable as a felony or any misdemeanor involving dishonesty or moral turpitude or has entered a plea of nolo contendere to any lesser or included offense, including but not limited to crimes involving battery, assault, robbery, burglary, gambling, larceny, fraud, sale or possession for sale of a controlled substance, prostitution, pimping, pandering, or lewd conduct.
 - (2) Applicant has associated with criminal profiteering activity or organized crime, as defined by Section 186.2 of the Penal Code.

The Chief of Police, within sixty (60) days of receipt of a complete application, shall render a decision on the application, and shall give reasons for the decision.

SEC. 6-2.17 LICENSE ISSUANCE.

- a. Within ten (10) days of the decision by the Chief of Police, the license may be approved subject to such conditions, limitations and restrictions as may be deemed reasonably necessary. Each license approved by the Chief of Police shall be subject to the licensee's compliance with all applicable provisions of these regulations, in addition to such conditions, limitations and restrictions as the Development Services Department may deem reasonably necessary.
- b. No license shall be approved if it appears that any one (1) of the following facts exists:
 - (1) The applicant for the license has not obtained approval of a conditional use permit for the cabaret, if required by Article 1 of Chapter 10 of the Hayward Municipal Code; or
 - (2) The operation of a cabaret at the proposed location will aggravate the crime problems in the area, or otherwise be detrimental to crime prevention or be detrimental to the public peace, health, welfare or safety in the area; or
 - (3) The Fire Chief, Building Official or Planning Director indicates that the license would result in a violation of the laws or regulations such officials administer; or
 - (4) That the applicant, or its owners, officers or employees, are unfit to operate a cabaret business. In making such determination, the Chief of Police may consider:
 - (i) The commission of any acts by the applicant, its owners, officers, or employees involving dishonesty, fraud or deceit with the intent to benefit substantially oneself or another, or substantially injure another; or
 - (ii) The license and permit history of the applicant, its owners, officers and employees, and whether such person in previously operating in this or another state under a license or permit has had such license or permit revoked, denied or suspended, the reasons for such action, and the resulting actions of such persons;
 - (iii) The applicant does not have, in the judgment of the Chief of Police, the financial capability or business experience to operate a cabaret in a manner that would protect its patrons and the citizens of the community.

(5) That the applicant has failed to comply with any of the provisions of the Hayward Municipal Code or other applicable laws applicable to the premises, equipment or operation of the business for which a permit is requested; or

(6) That the applicant has knowingly made false statements in the application.

- c. Upon the approval or conditional approval of a license by the Chief of Police, the license shall be issued to the applicant within ten (10) days of such approval, pursuant to such conditions, limitations and restrictions required by the Chief of Police. In the case of a partnership, a license shall be issued in the name of all the partners.
- d. In the event an application is denied, the Chief of Police shall notify the applicant within ten (10) days of such denial and the reasons for the denial. The decision of the Chief of Police may be appealed to the Planning Commission in accordance with the provisions of Section 10-1.2845 of this Code.
- e. Under no circumstances shall any conditions attached to any license be construed to convert such license into any kind of transferable, conditional use permit.
- f. Every licensee under these regulations shall pay a business license tax as set forth in Article 1 of Chapter 8 of the Hayward Municipal Code.

SEC. 6-2.18 SUSPENSION AND REVOCATION OF LICENSE. All licenses authorized and issued under the provisions of the Cabarets and Dances regulations shall be subject to suspension or revocation by the Chief of Police under any of the following conditions:

- a. The licensee, or any employee or agent of such licensee has knowingly failed to comply with any of the provisions of these regulations; or
- b. The licensee, or any employee or agent of such licensee, has knowingly breached any term or condition upon which the cabaret license was issued; or
- c. Facts exist which would justify denial of an application for such license pursuant to these regulations; or
- d. The cabaret is conducted in such a manner as to constitute a nuisance, or to disturb the peace of persons in the vicinity or to be deleterious to the public peace, morals, health, safety or welfare; or
- e. The conditional use permit approved for the cabaret has been suspended or revoked; or

- f. The licensee has failed or refuses to pay such fees or taxes imposed under the Hayward Municipal Code when due and payable.

SEC. 6-2.19 PROCEDURES FOR THE SUSPENSION AND REVOCATION OF CABARET AND DANCE LICENSES. Cabaret and dance licenses or permits may be suspended or revoked pursuant to Article 1 of Chapter 6.

SEC. 6-2.20 EXPIRATION DATE OF LICENSES. All cabaret licenses issued pursuant to these regulations shall automatically expire one year after such license was issued or renewed.

SEC. 6-2.21 RENEWAL PROCEDURES AND FEES FOR LICENSES. A valid license issued pursuant to the provisions of these regulations, or its predecessor regulations, which has not been surrendered, suspended or revoked, may be renewed for respective periods of not longer than one (1) year upon the following terms and conditions:

- a. An application for renewal of any such license shall be filed sixty (60) days prior to the expiration of the existing license with the Police Department on forms provided by that Department.
- b. Applications for renewal shall indicate whether any information required by Section 6-2.14 herein has changed, and shall be accepted, referred, investigated, reported, issued and dated as provided in Sections 6-2.16 and 6-2.17 hereinabove. If the completed application for renewal is submitted in a timely manner as required under subsection (a) above, then pending the completion of such investigations and reports, the existing cabaret license shall not expire pursuant to Section 6-2.20.
- c. If such application for renewal is not filed, or the application fee is not paid within the time specified by subsection (a) above, the license shall be deemed surrendered at the expiration date of such license.
- d. Renewal fees for licenses shall be the same as those fees charged for new licenses.
- e. Any current cabaret licensee who desires to physically relocate their cabaret must file an application for renewal pursuant to Sections 6-2.14 through 6-2.17 hereinabove and obtain a conditional use permit for such new location, if same is required by Chapter 10, Article 1 of the Hayward Municipal Code.

SEC. 6-2.22 LICENSES NON –ASSIGNABLE.

- a. Except as otherwise provided for in these regulations, no cabaret license may be sold, transferred or assigned by the licensee, or by operation of law, to any person, persons or legal entity without the prior approval of the Chief of Police, which approval shall be conditioned upon the proposed transferee's compliance with the Cabarets and Dances regulations. Any sale, transfer or assignment, or attempted sale, transfer or assignment without such prior approval shall be deemed a voluntary surrender of such license, which license shall immediately be deemed terminated and void.
- b. A license issued to an individual who dies during the calendar year shall terminate one year after the license was issued, except that the personal representative of the estate of that individual may apply for renewal of the license for one (1) year providing the representative has complied with all requirements of these regulations.
- c. If the licensee is a partnership and one (1) or more of the partners dies, the surviving partners, or partner, may, with prior approval of the Chief of Police, acquire, by purchase or otherwise, the interest of the deceased partner, or partners, without affecting a surrender or termination of the license.
- d. Any change in the board of directors of a corporation which holds a license or in the managing partners of a partnership or the ownership of any other business entity that holds a license shall require the prior approval of the Chief of Police, which may condition such approval on any appropriate basis.
- e. Any change of legal status of a licensee (such as a change from individual to corporate status) not otherwise provided in this section, shall require the prior approval of the Chief of Police, who may condition such approval on any appropriate basis.

SEC. 6-2.23 COMMENCEMENT OF OPERATIONS.

- a. An applicant who has received approval for a cabaret or license and paid all appropriate fees must commence operation of the cabaret within ninety (90) days following issuance of the license.
- b. A license becomes void upon a ninety (90) day absence or suspension of operations allowed by it, regardless of the reasons for the absence or suspension of operations; except that the Chief of Police may, during the ninety (90) days, extend the time for an additional sixty (60) days, for good cause shown.

SEC. 6-2.24 OBLIGATION TO INFORM OF CERTAIN CHANGES
CONCERNING LICENSEES.

- a. The licensee shall notify the Police Department in writing within fourteen (14) days of any change in the information required in an application for license issuance or renewal as provided in Section 6-2.14, except that no such change need be reported if such change occurs within thirty (30) days immediately preceding the expiration of such license. At the discretion of the City, a new or amended application for a license may be required.
- b. The Chief of Police shall promptly inform the relevant City departments of any notification received pursuant to the provisions of subsection (a) above.

SEC. 6-2.25 RECORD AND VIDEO SYSTEMS. The licensee shall keep and maintain all cabaret books, documents, records and accounts (whether in printed form or as electronic media) in accordance with recognized business accounting principles. Any and all video recordings made for security in the cabaret shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of seven (7) days, unless longer or shorter periods of time are ordered by the Chief of Police or designee. All video recordings must be made available to any law enforcement agency for duplication upon demand.

SEC. 6-2.26 PERMITS FOR SINGLE CABARET OR PUBLIC DANCE
EVENTS.

- a. A single cabaret event or public dance event may be conducted in the City of Hayward upon the issuance of a permit by the Chief of Police.
- b. An applicant shall file an application with the Chief of Police at least two weeks prior to the proposed event with the application fee set forth in the City's Master Fee Schedule. The application shall include:
 - (1) The location of the cabaret or public dance event.
 - (2) The true and complete name and address of the person or persons to whom it is requested that a cabaret permit be issued, as follows:
 - (i) If the proposed permit is an individual, the application shall set forth the name, residence and business address of the applicant;
 - (ii) If the proposed licensee is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its home address and also its local address, as well as the names and addresses of the board of directors, the names and addresses of all of the corporate officers, and the names and addresses of each shareholder; and

- (iii) If the proposed licensee is a partnership or other business, the application shall set forth the full names of all partners, owners and managers and the firm name under which the partnership or other business entity operates, together with the addresses of all partners.
 - (3) The true and complete name and address of each owner or owners of the building, place or structure within which the cabaret or public dance is proposed to be conducted.
 - (4) A description of the event including date and times of the event, number of people expected to attend, and whether alcohol will be served and if so whether the appropriate approval has been received by the State Department of Alcoholic Beverage Control.
 - (5) A description of the security measures that will be taken, both at the event and in and around off-street parking areas. If alcohol will be served at the event, the security measures shall meet the requirements contained herein.
 - (6) Any further information the Chief of Police deems necessary in reviewing the application.
- c. Any such permit for a single cabaret or public dance event shall only be approved if the event will occur in a zoning district that permits such an activity pursuant to the Zoning Ordinance set forth in Chapter 10 of the Hayward Municipal Code.
 - d. In granting or denying such permit, the Chief of Police shall give consideration to the public health, safety and welfare, particularly for those persons living in the surrounding area.
 - e. Only one permit for a single cabaret or public dance event will be issued for a particular applicant or for a particular location within a three (3) month period.
 - f. Permits issued for a single cabaret event or a public dance event are nontransferable and non-assignable.
 - g. If both cabaret and dance activities are intended, only one permit under this section will be required, depending on the primary activity to be conducted.

SEC. 6-2.27 OPERATING REGULATIONS FOR ALL CABARETS AND

DANCES. It shall be unlawful for any person operating a cabaret or conducting a dance or entertainment event, or any agent, employee, or representative of such person, to permit any breach of the peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct or otherwise, or to violate or permit the violation of any of the following regulations:

- a. The area in which any dancing is being done shall be kept well lighted.
- b. No obscene or illegal conduct or behavior shall be permitted.
- c. No person under the age of eighteen (18) years shall be admitted unless accompanied by his parent, guardian or other person having the care and custody of such person. The Chief of Police may approve a permit to allow younger participants, if the event is planned specifically for youth.
- d. No dancing shall be permitted between the hours of 2:00 am and 10:00 am.
- e. All persons shall be fully clothed.
- f. No person under the influence of intoxicating liquor shall be admitted or permitted to remain in or upon the premises.
- g. At all times during the holding of any dance or event, all doors leading from or opening into the place where the dance is held, are to remain unlocked, unbarred, or unfastened.
- h. No return check shall be issued.

SEC. 6-2.28 LICENSEE/PERMITTEE RESPONSIBLE FOR VIOLATIONS.

The licensee of any cabaret or permittee for any cabaret or public dance event shall be responsible for all violations of the laws of the State of California, or of the ordinances, regulations and conditions of the City of Hayward, which occur within the cabaret, whether or not the violations occur within the licensee's/permittee's presence or with the licensee's/permittee's knowledge. The licensee/permittee agrees that allowing more patrons on the premises than that authorized by the Hayward Fire Marshal constitutes a violation of the license and may be enforced by the Police Department.

SEC. 6-2.29 VIOLATION OF STATE AND CITY LAWS.

No licensee (or its agents or employees) nor permittee (or its agents or employees) shall engage in or permit any other person on such premises to engage in any act in violation of the laws of the State of California or of the ordinances, regulations and conditions of the City of Hayward.

SEC. 6-2.30 PATRON SAFETY AND SECURITY. The licensee/permittee shall be responsible for the security and safety of patrons in the cabaret in and around off-street parking areas. Security shall meet the following performance standards:

- a. There shall be a minimum of one security personnel on duty for the first fifty (50) patrons on site. Once the number of patrons exceeds fifty (50), there shall be one additional security personnel on duty for up to and including each additional fifty (50) patrons on site. "On-site" means all patrons within the establishment and waiting in line to enter the establishment.
- b. The security personnel shall be on duty when the entertainment begins or 9:00 p.m., whichever is earlier, and shall remain on duty for at least one-half hour after the establishment closes or until all patrons have vacated the area immediately surrounding the establishment and the parking sites used by the patrons.
- c. The security personnel shall provide security inside the establishment, along the outer perimeter of the establishment and parking sites immediately adjacent to the establishment and used by the patrons.
- d. The security personnel shall remove all illegal contraband that may be found on patrons, report the existence of the contraband to the Hayward Police Department, identify the person in possession of the contraband and immediately turn the contraband over to the proper law enforcement authorities.
- e. All security personnel shall be registered and maintain valid registration status with the State of California's Department of Consumer Affairs. All security personnel shall be registered at a level that is equivalent to or greater than a proprietary private security officer. Proof of registration for all security personnel shall be maintained by the establishment's operator and shall consist of application forms, receipts for application fees and live scan fees and any other document showing evidence of valid registration.
- f. At closing time, the security personnel shall ensure that the establishment's patrons have been cleared from the sidewalk and street areas in front of the establishment, from other areas around the perimeter of the establishment and from areas within one hundred fifty (150) feet of the establishment.
- g. While on duty, all security personnel shall wear a nameplate containing the security personnel's full name and the word "Security" printed in bold, capital letters that are at least three-fourths of one inch high and in contrasting color. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. The nameplate shall be a minimum of two inches high and four inches wide. As an alternative to a nameplate, the security personnel's name and the word "Security" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.

- h. The establishment's operator shall not allow any security personnel to, and no security personnel shall, sit at the bar, or consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any violations of the law while on duty.
- i. The establishment's operator shall not allow any security personnel to be, and no security personnel shall be, in possession of any firearm while on the establishment's premises without the security personnel having first obtained a license from the appropriate state or local agency authorizing the security personnel to be in possession of a firearm.
- j. If the establishment employs or otherwise engages security personnel who will be in possession of a firearm while on the establishment's premises, the security personnel shall provide the Chief of Police with the following documentation no less than fourteen (14) days prior to the date the security personnel will begin performing services at the establishment:
 - (1) A copy of the license issued to the security personnel authorizing the possession of such firearm;
 - (2) A copy of the security personnel's law enforcement identification if employed by a law enforcement agency; and
 - (3) A copy of the security personnel's California driver's license or California identification card.
- k. The establishment's operator shall at all times manage waiting lines outside the establishment to ensure that there are no impediments to pedestrian travel in the pedestrian walkway, no blockage of neighboring businesses, and no disturbance of the public peace.
- l. At least one person in possession of a valid cabaret license shall be present at the establishment at all times when entertainment requiring a cabaret license is being provided. Said licensee shall cooperate fully with the Chief of Police, or any City official responsible for enforcing the Alcoholic Beverage Outlet regulations, with any inquiry, inspection reasonable request or investigation necessary to implement the requirements of these regulations or to enforce any other state, local or federal law.

SEC. 6-2.31 POSTING OPERATING REGULATIONS. A set of operating regulations in a form approved by the Chief of Police and containing the provisions of Sections 6-2.27 through 6-2.33 herein, as well as any relevant operating conditions that may be imposed by the Chief of Police, City Council or the Planning Commission, shall be prominently posted by licensee/permittee in at least one (1) conspicuous location within every cabaret, as determined by the Chief of Police.

SEC. 6-2.32 INSPECTION FOR ENFORCEMENT; SUMMARY SUSPENSION.

All premises operating pursuant to the terms of these regulations may be inspected for violations of these regulations at any time during normal operating hours by the Chief of Police of the City of Hayward or designee. Any evidence of any violation of the terms of these regulations may be seized without warrant provided that such evidence shall be specifically identified and a receipt shall be given to the owner of such evidence and to the licensee of such premises or his agent. At all times, a designated manager or person in charge shall be on the premises and available to the Police Department. A violation of these Cabarets and Dances regulations may result in immediate closure by the Police Department, pursuant to the summary suspension provisions set forth in the Alcoholic Beverage Outlets regulations (Hayward Municipal Code Sections 10-1.2750 *et seq.*).

SEC. 6-2.33 POWERS OF CHIEF OF POLICE AND OFFICERS.

The Chief of Police and his/her sworn officers shall have the power to stop any public dance or close any premises, whether a permit is issued hereunder or not, for disturbing the peace, disorderly conduct, obscene or indecent behavior, or for violation of any law or ordinance.

SEC. 6-2.34 INJUNCTIVE RELIEF; ADMINISTRATIVE CITATION.

In addition to the legal remedies provided for in this Code, the operation of any cabaret in violation of the provisions of these regulations or other applicable laws and regulations shall be deemed a public nuisance, and the City of Hayward may bring an action in any court of competent jurisdiction to enjoin such nuisance or issue an administrative citation pursuant to Chapter 1, Article 7 of this Code.

SEC. 6-2.35 VIOLATIONS; PENALTIES.

Any person violating any provision of these regulations or knowingly or intentionally misrepresenting to any officer or employee of the City any material fact in procuring the license or permit shall be punishable as set forth in Article 3 of Chapter 1 of this Code.